

PROB 12B  
(12/98)

**United States District Court**

**For**

**The Western District of New York**

**Request for Modifying the Conditions or Term of Supervision**

**With Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*



**Name of Offender:** Sharron McCutcheon

**Case Number:** 1:18CR00208-002

**Name of Sentencing Judicial Officer:** Honorable Lawrence J. Vilardo, U.S. District Judge

**Date of Original Sentence:** October 30, 2019

**Original Offense:** Conspiracy to Possess with Intent to Distribute, and to Distribute, Cocaine Base, in violation of 21 U.S.C. §846, 21 U.S.C. §841(a)(1), 21 U.S.C. §841(b)(1)(C)

**Original Sentence:** Five (5) years of probation. Special Conditions imposed included: substance abuse testing/treatment; Location Monitoring (home detention component) for six (6) months; obtain General Education Diploma; and a search condition.

**Modification:** On January 14, 2021, Your Honor modified the defendant's conditions to include three (3) months of Location Monitoring (curfew) based on him traveling outside the district without permission.

**Modification:** On April 12, 2021, Your Honor modified the defendant's conditions to include an additional one (1) month of Location Monitoring (curfew) due to continued drug use (marijuana) and his failure to obtain employment.

**Revocation Sentence:** On September 17, 2021, the defendant's term of supervised release was revoked for failing to comply with the Location Monitoring program. He was sentenced to six (6) months imprisonment, to be followed by three (3) years supervised release. Special conditions imposed included: substance abuse testing/treatment; make an effort to obtain a General Education Diploma (GED) or complete 20 hours of community service per week if not employed or pursuing GED; and a search condition.

**Modification:** On February 11, 2022, the Court modified the defendant's conditions to include Location Monitoring (home detention component) for two (2) months based on him operating a vehicle without a valid license, failing to report law enforcement contact, and failing to report a termination from his employment.

**Type of Supervision:** Supervised Release

**Date Supervision Commenced:** 11/23/21

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RE: SHARRON MCCUTCHEON  
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### PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

*The defendant shall comply with the conditions of the Location Monitoring Program (home detention component) until May 13, 2022. This will be monitored by a Global Positioning Satellite System and the defendant shall wear and/or carry (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment).*

### CAUSE

Mr. McCutcheon commenced a previously imposed Location Monitoring modification on February 14, 2022. On that date, Mr. McCutcheon affixed his signature to Probation Form 61 acknowledging that he would only travel, via the most direct route, to approved locations with no unauthorized stops in between (*Condition #3*). After an extensive review of his Global Positioning Satellite (GPS) points between February 14, 2022, and the present date, this officer detected that the defendant, on a regular basis, was frequenting locations that were not authorized. More specifically, the defendant was leaving his job site during the day and stopping at personal residences, the Seneca Nation Casino in downtown Buffalo, New York, various corner stores, and two barbershops that he is known to frequent. On other days, he would deviate from his approved non-work related appointments and stop at the same previously mentioned locations. All of the aforesaid stops were not authorized by this officer.

On March 21, 2022, the defendant was put on notice that a thorough review of his GPS points was being conducted, as this officer suspected he was in violation of his Location Monitoring conditions. On April 4, 2022, this officer met with Mr. McCutcheon at the probation office to review his Location Monitoring noncompliance. Initially, the defendant was defensive and argumentative and stated, "This is petty bullshit," and that he wanted to serve out his sentence in jail. Upon further discussion, Mr. McCutcheon accepted responsibility for his actions and agreed to a one (1) month extension of his Location Monitoring. He was praised for the efforts he has made thus far to provide for his son through Court-ordered Child Support and to comply with New York State Department of Motor Vehicles requirements to eventually restore his license. However, he was also made aware that future noncompliance will not be tolerated and that he must strictly follow the Court's conditions to avoid further adverse action.

On April 4, 2022, Mr. McCutcheon affixed his signature on the appended Prob 49 Waiver. At this time, it is respectfully recommended that the Court modify the defendant's conditions by extending the Location Monitoring (home detention component) until May 13, 2022.

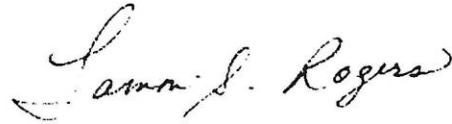
RE: SHARRON MCCUTCHEON  
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Reviewed by:

Respectfully submitted,



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John P. Taberski  
Supervising U.S. Probation Officer



by

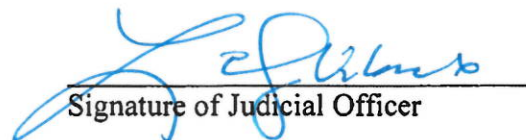
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Tammi S. Rogers  
U.S. Probation Officer Specialist  
Date: April 6, 2022

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THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



\_\_\_\_\_  
Signature of Judicial Officer

4-7-22  
\_\_\_\_\_  
Date

PROB 49  
(Revised 11/98)

**United States District Court  
Western District of New York**

**Waiver of Hearing to Modify Conditions  
Of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

*The defendant shall comply with the conditions of the Location Monitoring Program (home detention component) until May 13, 2022. This will be monitored by a Global Positioning Satellite System and the defendant shall wear and/or carry (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment).*

Witness:

  
Tammi S. Rogers  
U.S. Probation Officer Specialist

Signed:

  
Sharron McCutcheon  
Supervised Releasee

4-4-22

Date